

(33)

**HIGH COURT OF CHHATTISGARH AT BILASPUR**

**WRIT PETITION (C) No. 4951 of 2007**

**PETITIONERS** : 1. Bhawar Lal S/o Baliram, aged about 61 years.  
2. Prem Lal S/o Baliram, aged about 55 years.  
3. Bharat Lal S/o Baliram, aged about 52 years.  
4. Ram Lal S/o Baliram, aged about 49 years.  
All are resident of village Saja, Tahsil Tahsil Saja,  
District Durg C.G.

**VERSUS**

**RESPONDENTS** : 1. The State of C.G., Through the Secretary Revenue  
Department DKS Bhawan Raipur C.G.  
2. The State of C.G. Through the Secretary Public  
Works Department DKS Bhawan Raipur C.G.  
3. Sub Divisional Officer (Revenue) Sub Division  
Office Saja, District Durg C.G.  
4. Municipal Council Saja Through the Chief  
Municipal Officer, District Durg, C.G.  
5. Tahsildar, Tahsil Saja, District Durg.

**WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA**

**SB: Hon'ble Shri Satish K. Agnihotri, J.**

Present: Shri Rakesh Pandey, Advocate for the petitioners.  
Shri G.D. Vasvani, Government Advocate for the State/respondent  
No. 1, 2, 3 and 5.

**ORDER**

(Passed on 16<sup>th</sup> day of August, 2007)

1. Learned counsel appearing for the petitioners submits that the property in dispute is under threat of demolition by the respondents on the ground that the petitioners are encroachers. Learned counsel further submits that the petitioners have acquired ownership right on the property by purchase.
2. Be that as it may, it is a disputed question of facts which requires proper adjudication by the Civil Court. This Court cannot decide the disputed question of facts in exercise of its power under writ jurisdiction.
3. Learned counsel appearing for the petitioners seeks permission of this Court to withdraw this petition with liberty to take recourse to alternative remedy that may be available to him. It is ordered accordingly.

4. At the request and after hearing learned counsel appearing for the petitioners, the respondents are directed not to take any coercive steps against the petitioners in respect of the property in dispute for 10 days from today.
5. In view of the above, the petition is dismissed as withdrawn with the above stated liberty.

Certified copy, today.

Sd/-  
Satish K. Agnihotri  
Judge